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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,179	03/17/2004	Sung Hwan Moon	200146.402C3	4168
500	7590	10/26/2005	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC			HABTE, KAHSA Y	
701 FIFTH AVE			ART UNIT	
SUITE 6300			PAPER NUMBER	
SEATTLE, WA 98104-7092			1624	

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,179

Applicant(s)

MOON ET AL.

Examiner

Kahsay Habte, Ph. D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-24 and 26-36 is/are pending in the application.
- 4a) Of the above claim(s) 14-24 and 26-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/976,470.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/8/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-2, 5-24 and 26-36 are pending in this application.

Election/Restriction

2. Applicant's election with traverse of Group I, Claims 1-2 and 5-13 in a paper filed on 9/29/2005 is acknowledged. The traversal is on the ground(s) that the "Inventions I and IV in the present application would not created a serious burden for the patent Office. More specifically, Invention IV is drawn to a library of compounds that comprises at least one compound according to claim 1". The examiner disagrees with applicant's argument. Group IV is drawn to library of compounds and is different from Group I that is drawn to pyrazino[2,1-c][1,2,4]triazine derivative compounds. Note that Group IV (claims 14-15) requires at least one compound according to claim 1 and contains another unknown compounds. One skilled in the art would not consider the invention of Group I to be equivalent to that of Group IV. Furthermore coexamination of the additional group would require search of subclasses unnecessary for the examination of the elected claims. For example, the search for the invention of Group IV would include search of subclass 435/4. Therefore, coexamination of the additional invention would require a serious additional burden of search.

The requirement is still deemed proper and is therefore made FINAL.

3. The claims are drawn to multiple inventions for reasons set forth in the restriction requirement. The claims are examined only to the extent that they read on the elected

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invention. Cancellation of the non-elected subject matter is recommended in response to this Office Action. Note that $G = N$, since the elected invention is drawn pyrazino[2,1-c][1,2,4]triazines compounds. Thus, applicants have to define $X = N$ and not nitrogen and CH and delete the proviso. See claim 6.

Information Disclosure Statement

4. Applicant's Information Disclosure Statement, filed on 10/08/2004 has been acknowledged. Please refer to Applicant's copies of the 1449 submitted herewith.

Claim Objections

5. Claims 1 and 5-6 are objected to because of the following informalities: the recitation of "general formula" is not specific. A formula should be specific and not "general". It is recommended that applicants delete the term "general" to overcome this objection.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2 and 5-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention:

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a. Claim 1 and claims dependent thereon are rejected because the phrase “amino acid chain moiety, an amino acid side chain derivative, a linker, and a solid support” is indefinite. What is covered by said phrase and what is not? What linker? What solid support? Applicants have to recite “amino acid chain moiety”, “amino acid side chain derivative”, “linker” and “a solid support” to overcome this rejection.

b. In claim 5, the phrase “G is (XR7)_n” lacks antecedent basis because there is no definition for integer “n” in claims 1 and 5. Since G is N for the elected invention of Group I, it is required that applicants delete “n” from claims 1 and 5. Note that the definitions of integer “n” have been deleted both in claims 1 and 5, but the variable G contains the integer “n” in claims 1 and 5.

c. Claim 11 is rejected because it depends from a cancelled claim 3.

d. Claim 13 is rejected because the claim limitation “a safe and effective amount of the compound” fails to narrow down the limitations of claim 12 from which it depends. As far as we know, the composition in claim 12 is safe and effective. It is recommended that applicants delete claim 13.

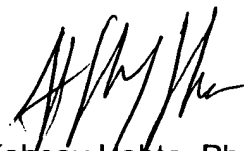
Conclusion

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kahsay Habte, Ph. D. whose telephone number is (571) 272-0667. The examiner can normally be reached on M-F (9.00AM- 5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Wilson can be reached at (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kahsay Habte, Ph. D.
Patent Examiner
Art Unit 1624

KH
October 18, 2005